

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMMANUEL UGWU,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/15/2020

19-CV-9239 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On September 27, 2019, Plaintiff filed a motion for return of seized property pursuant to Fed. R. Crim. P. 51(g) under the docket for his closed criminal case, *United States v. Ugwu*, 15-cr-417 (VSB). On October 4, 2019, I issued an order directing the Clerk of Court to construe Plaintiff's motion as a new civil action, (*see* Doc. 1), and the Clerk initiated the instant action. By Order dated October 9, 2019, I directed Plaintiff, within thirty days, to submit a completed prisoner authorization or pay the \$400.00 in fees required to file a civil action in this Court. (Doc. 4.) That order specified that failure to comply would result in dismissal of the complaint. (*See id.*) To date, Plaintiff has not filed a prisoner authorization or paid the relevant fees.

Accordingly, it is hereby:

ORDERED that this action is DISMISSED without prejudice. *See* 28 U.S.C. §§ 1914, 1915. The Clerk of Court is directed to terminate the motion at Document 2, to close this case, and to mail a copy of this Order to the pro se Plaintiff.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: June 15, 2020
New York, New York

A handwritten signature in black ink, reading "Vernon S. Broderick". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

Vernon S. Broderick
United States District Judge